

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: September 22, 2020

Judge: Hon. James Donato

Time: 19 Minutes

Case No. **3:15-cv-3747-JD**

Case Name **In re Facebook Biometric Information Privacy Litigation**

Attorney(s) for Plaintiff(s): Jay Edelson

Attorney(s) for Defendant(s): Michael Rhodes (Facebook); Greg Nespole (Levi & Korsinsky)

Deputy Clerk: Melinda K. Lock

Court Reporter: Pamela Hebel

PROCEEDINGS

Motion for Temporary Restraining Order -- Held (by Zoom)

NOTES AND ORDERS

The Court takes argument on the motion for a temporary restraining order filed by plaintiffs and the class against Levi & Korsinsky LLP. Dkt. No. 477.

Levi & Korsinsky represents that the opt-out solicitations at issue ran only on Facebook, and were taken down on September 18, 2020. Levi & Korsinsky has received approximately 3,000 responses.

The Court finds the use of the term “claim” in the solicitations, and the timing of the solicitations (published well in advance of the court-approved class notice), to be deceptive and misleading.

Class counsel, Facebook’s counsel and Levi & Korsinsky are directed to meet and confer on a curative notice to be sent to the 3,000 individuals who responded to the ads posted by Levi & Korsinsky. The parties may seek the Court’s assistance if they are not able to come to an agreement. Levi & Korsinsky will not run any further advertisements or opt-out solicitations, or communicate in any way with the 3,000 respondents, in the meantime.

Levi & Korsinsky’s request for leave to file a sur-reply (Dkt. No. 483) is granted, and the TRO motion (Dkt. No. 477) is terminated without prejudice to renewal as circumstances may warrant.